

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THERMA-STOR LLC and
TECHNOLOGIES HOLDINGS CORP.,

Plaintiffs,

v.

ABATEMENT TECHNOLOGIES, INC.,
APPLIED COMFORT PRODUCTS, INC. and
JOHN DOE ENTITIES 2 THROUGH 5,

Defendants.

ORDER

09-cv-229-vis¹

This is a civil case for declaratory, injunctive and monetary relief involving patent infringement claims brought by plaintiffs Therma-Stor and Technologies Holdings Corp. against defendants Abatement Technologies, Inc., Applied Comfort Products, Inc. and John Doe Entities 2 through 5. Defendant Applied Comfort Products, Inc. has filed a motion to dismiss under Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction. Dkt. #50. Plaintiffs do not oppose the motion, dkt. #55, and have filed a notice of voluntary dismissal of

¹ The parties have declined jurisdiction of the magistrate judge in this case. Because no Article III judge has been assigned, I am assuming jurisdiction over this case for the purposes of this order.

Applied Comfort Products under Fed. R. Civ. P. 41(a)(1). Dkt. #54. Applied Comfort Products has not served an answer or motion for summary judgment and plaintiffs' notice of voluntary dismissal of their claim against Applied Comfort Products does not require a court order. Fed. R. Civ. P. 41(a)(1). Because defendant Applied Comfort's dismissal is automatic, I will deny its motion to dismiss as moot.

ORDER

IT IS ORDERED that defendant Applied Comfort Product, Inc.'s motion to dismiss, dkt. #50, is DENIED as moot.

Entered this 26th day of January, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge